REMARKS/ARGUMENTS

The Office Action of March 22, 2005, has been carefully reviewed and this response addresses the Examiner's concerns stated in the Office Action. All rejections are respectfully traversed.

Claims 1-3, 7, 8, 11-13, 17, 20-22, and 25 are rejected as being anticipated by Tentij et al., U.S. Patent Number 6,513,129, issued on January 28, 2003 (Tentij). Applicant has amended claims 1, 11, and 20. Support for these amendments can be found in Applicant's specification, paragraph 50 and FIG. 2, among other places. No new matter has been added.

Claims 4-6, 9, 10, 14-16, 19, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tentij in view of Fenger et al., U.S. Patent 6,751,659, issued on June 15, 2004 (Fenger).

Claims 18 and 26-29 have been cancelled without prejudice.

In the rejection of claims 1-3, 7, 8, 11-13, 17, 20-22, and 25, Tentij is the sole reference. In the rejection of claims 4-6, 9, 10, 14-16, 19, 23, and 24, Tentij is the primary reference and Fenger is the secondary reference. Applicant respectfully points out that Tentij does not disclose distributed management servers that receive control from a gateway to process fault alarm incidents that are received from a network element in accordance with an associated policy object (see Applicant's amended independent claims 1, 11, and 20). In fact, Tentij teaches away from such a system. In the system of Tentij, the gateway receives, normalizes, and performs basic processing on incoming messages by accessing the MIB to which the gateway is directly connected in order to select and process control objects (col. 5, lines 62-66).

Further, as the control objects are being processed in the gateway, the control objects, executing within the gateway, are initiating any advanced processing that might be necessary in the element management processor (col. 6, lines 5-9). The gateway of Tentij, therefore, manages the processing of the incoming message, whereas the gateway of Applicant determines which distributed management server is to manage the processing

of the incoming fault alarm incident and then forwards the fault alarm incident and control for processing the fault alarm incident on to that distributed management server.

Applicant has independent amended claims 1, 11, and 20 to make that distinction clear. In particular, Applicant has clarified that there is a transfer of control from the gateway to the selected distributed management server that is associated with the policy object that is associated with the fault alarm incident.

Applicant further respectfully points out that Tentij discloses a "rule engine" in the gateway that determines the "closest" object (col. 8, lines 16-30). Applicant, on the other hand, discloses a decision tree for determining which policy object is associated with an incoming fault alarm incident, and where that policy object is to be processed so that the fault alarm incident can be routed and control can be transferred to the appropriate distributed management server. When the fault alarm incident gets to the distributed management server, Applicant discloses a rule-based procedure embodied in the policy object that processes the fault alarm incident.

Rejections - 35 USC § 102

On pages 2-5, paragraphs 3-4, of the Office Action, claims 1-3, 7, 8, 11-13, 17, 20-22, and 25 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Tentij. Please note that independent claim 1 is the base claim for claims 2, 3, 7, and 8, independent claim 11 is the base claim for claims 12, 13, and 17, and independent claim 20 is the base claim for claims 21, 22, and 25.

With respect to independent claims 1, 11, and 20, on pages 2-3 of the Office Action, in paragraphs a-d,

(a) The Office Action in paragraph b states that Tentij discloses that the system includes a gateway and a management processor system. The gateway is communicatively connected to a network for receiving alarm incidents from the network (a gateway managing the network element and receiving fault alarm incidents from the network element) (Tentij, col. 1, lines 40-44).

Applicant respectfully points out that Tentij further teaches that the gateway processes the selected control object (col. 1, line 44), which is contrary to Applicant's

amended claim 1 in which the gateway transfers control to the selected distributed management server which processes the fault alarm incident according to the policy object.

(b) The Office Action in paragraph c states that Tentij discloses management processors for handling policies relating to elements, the network, service or business (col. 4, lines 43-47). The Office Action further states that Tentij discloses that the management processor system may be implemented on one or more connected servers such that each processor may be physically distinct from the other (distributed management servers; and policy objects distributed across the distributed management servers so that each policy object resides on and is executable by a respective distributed management server) (col. 5, lines 28-34).

Applicant respectfully points out that Tentij teaches away from the more general system of Applicant in which policy objects are distributed across distributed management servers for autonomous processing because Tentij teaches a gateway that controls processing of incident messages by determining a control object associated with the message and invoking the control object within the gateway. The control object within the gateway of Tentij can initiate, if necessary, advanced processing on one of the possible processors (element, network, service, or business). Additionally, Applicant does not claim particular functionality for particular distributed management servers as Tentij does.

The system of Tentij in fact requires a certain hierarchy of processors wherein the element processor forms a gateway-like interface between the gateway and the network, service, and business processors (col. 5, lines 40-44). Applicant neither claims nor requires such a hierarchy (see Applicant's FIG. 2). Tentij again teaches away from the more general configuration of Applicant's claimed invention in which all distributed management servers are communicatively associated with the gateway, where the distributed management servers receive control from the gateway to process fault alarm incidents.

(c) The Office Action in paragraph d states that Tentij discloses that the gateway has a rule engine for selecting a control object from a set of control objects based on information from the alarm incident, and processing the selected control object. The

Office Action further states that the management processor system has a processor for processing configuration objects in response to the selected control object for implementing fault management objects defined by at least one user (col. 1, lines 41-47).

Applicant respectfully points out that Tentij discloses that the gateway processes the selected control object, while the management processor system processes configuration objects in response to selected control objects. As stated previously, Tentij teaches away from distributed management servers that receive control from the gateway and control the processing of the incoming fault alarm incident according to an associated policy object.

Applicant respectfully points out that Tentij discloses a fault processing system that is controlled by a gateway. Contrary to the claims of Applicant, Tentij does not disclose a gateway that is capable of selecting a distributed management server, routing a fault alarm incident to the selected distributed management server, and transferring control to the selected distributed management server, because Tentij does not disclose a transfer of control.

Applicant respectfully points out that Tentij does not anticipate each and every element of Applicant's amended independent claims 1 and 20, nor does Tentij anticipate each and every step of Applicant's amended independent claim 11. Therefore, amended independent claims 1, 11, and 20 (as well as dependent claims 2-10, 12-17, 19, and 21-25) are not anticipated by Tentij and a rejection under 35 U.S.C. § 102(e) is inappropriate. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 102(e) directed to amended independent claims 1, 11, and 20, and therefore dependent claims 2-10 and 12-17, 19, and 21-25, and find amended independent claims 1, 11, and 20, and therefore dependent claims 2-10 and 12-17, 19, and 21-25, in condition for allowance.

Claim Rejections - 35 USC § 103

On pages 5-8, paragraphs 5-6, of the Office Action, claims 4-6, 9, 10, 14-16, 19, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tentij in view of Fenger et al., United States Patent # 6,751,659, issued on June 15, 2004 (Fenger).

Because Tentij has many deficiencies as presented above, and those deficiencies can't be corrected by Fenger as clearly pointed out below, Applicant asserts that the rejection of dependent claims 4-6, 9, 10, 14-16, 19, 23, and 24 is inappropriate.

To further Applicant's position with respect to the patentability of dependent claims 4-6, 9, 10, 14-16, 19, 23, and 24, Applicant notes the following.

Applicant respectfully asserts that Fenger teaches away from policy objects that contain rules associated with network faults and that are stored and distributed together, because Fenger teaches that policy rules are conditions for a user/application system to access a resource, and that not all of the policy rules need to be distributed to each and every component in the network (col. 1, lines 53-54). In the system of Fenger, rules are picked from the policy tree and distributed. In the system of Applicant, policy objects containing rules specific to a situation are distributed together.

On pages 6-8 of the Office Action, with respect to claims 4, 14, and 23, the Office Action correctly states that Tentij doesn't explicitly disclose a policy server communicatively coupled to the distributed management servers, the policy server storing policy objects and operable to distribute the stored policy objects to the distributed management servers. The Office Action states that Fenger discloses that the primary server (policy server) maintains and manages a set of policy rules in a form of a policy tree (col. 1, lines 60-65).

The shortcomings of Tentij have been discussed and will not be repeated here. From the previous discussion it is clear that Fenger does not correct the deficiency stated in the Office Action with respect to Tentij, i.e. a policy server storing policy objects and inoperable to distribute the stored policy objects (software objects) to the distributed management servers. Because of the shortcomings of Tentij and Fenger, Applicant respectfully points out that the teachings of Tentij and Fenger together do not describe policy objects that are stored and distributed from a policy server.

On pages 6-8 of the Office Action, with respect to claims 5, 9, 15, 19, and 24, the Office Action states that Tentij discloses a configuration editor used for editing the configuration objects within the configuration objects section (col. 7, lines 10-14).

Applicant respectfully points out that Tentij teaches an editor, but Tentij does not teach a user interface, as Applicant claims.

On pages 6 and 7 of the Office Action, with respect to claims 6, 10 and 16, the Office Action states that Fenger discloses that the target identifies itself, describes its capabilities and roles in the network, such as giving user ID or requesting certain resources, and describes how it is configured to work within the network. The Office Action states that the policy server uses the information about the target as a filter to select the relevant subset of policy information for delivery to the target (col. 3, lines 1-8).

Applicant respectfully points out that nowhere does Fenger disclose policy objects, so that the combination of Fenger with Tentij to meet some of the deficiencies of Tentij is not appropriate.

Conclusion

In view of the absence from any cited reference of Applicant's claimed invention, either singly or in combination, as set forth above, Applicant respectfully urges that Tentij and Fenger, separately or in combination, are not sufficient to render the presently claimed invention anticipated or obvious under 35 U.S.C. 102(e) or 35 U.S.C. § 103(a).

Applicant asserts that dependent claims 4-6, 9, 10, 14-16, 19, 23, and 24 stand allowed because there is no combination of references cited against those claims which teach or disclose Applicant's claimed invention as set forth in dependent claims 4-6, 9, 10, 14-16, 19, 23, and 24. Independent claims 1, 11, and 20 are believed to be in condition for allowance for the reasons stated above. All dependent claims are believed to depend upon allowable independent claims, and are therefore also in condition for allowance. Consequently this amendment should be entered under 37 C.F.R. § 1.116 since it places the application in condition for immediate allowance. Applicant respect urges examiner to find all claims presented in the present application in condition for allowance and pass the case to issue.

The Commissioner for Patents is authorized to charge additional fees or credit overpayment to Deposit Account No. 50-1078.
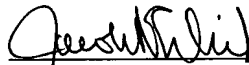
The following information is presented in the event that a call may be deemed desirable by the Examiner:

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Respectfully submitted,
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